

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
- BROWNSVILLE DIVISION -**

**UNITED STATES OF AMERICA**

**VS.**

**JOSE GARCIA-HERRERA**

§  
§  
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§

**CRIMINAL NO. B-05-221**

**ORDER**

BE IT REMEMBERED on this 21 day of June, 2005, the Court reviewed the file in the above-captioned matter and specifically the Report and Recommendation of the United States Magistrate Judge filed March 30, 2005, wherein the defendant Jose Garcia-Herrera waived appearance before this Court and appeared before the United States Magistrate Judge John Wm. Black for the taking of a felony guilty plea and Federal Rule of Criminal Procedure Rule 11 Allocution. The Magistrate Judge recommends that the plea of guilty be accepted by the undersigned, and noting no opposition by defendant Jose Garcia-Herrera to the Report and Recommendation, the Court enters the following order:

IT IS ORDERED that the Report and Recommendation of the United States Magistrate Judge is hereby adopted. The Court finds the defendant Jose Garcia-Herrera guilty of the offense of alien unlawfully being present in the United States after having been convicted of an aggravated felony and deported, in violation of 8 U.S.C. §§ 1326(a) and 1326(b).

SIGNED this the 21 day of June, 2005

  
Hilda G. Tagle  
United States District Judge